

REGULATIONS

GOVERNING

WATER SUPPLIES

MACOMB COUNTY



TABLE OF CONTENTS

Article	Description	Page
	Preamble	01
I	Title, Purpose, Authority And Jurisdiction	
	Section 1.1 Title	01
	Section 1.2 Purpose	01
	Section 1.3 Authority	01
	Section 1.4 Jurisdiction	01
II	Definitions	
	Section 2.1 General Provisions	02
	Section 2.2 Definitions	02
III	Powers And Duties Of The Health Officer	
	Section 3.1 Regulate	04
IV	General Provisions	
	Section 4.1 Incorporation Of Other Regulations ...	05
	Section 4.2 Unlawful To Occupy	05
	Section 4.3 Existing Active Water Supplies	05
	Section 4.4 Inactive Water Supplies	06
	Section 4.5 Change In Use	06
	Section 4.6 Priority Over Building Permits	06
V	Water Supply Permits	
	Section 5.1 Water Supply Construction Permits ...	06
	Section 5.2 Application Form	07
	Section 5.3 Project Permit	07
	Section 5.4 Completed Application	07
	Section 5.5 Late Application Penalty	07
	Section 5.6 Issuance	08
	Section 5.7 Denial	08
	Section 5.8 Expiration	08
	Section 5.9 Transfer Of Permits	08
	Section 5.10 Voidance Of Permits	08
	Section 5.11 Plugging Of Wells	09
	Section 5.12 Emergency Conditions	09

VI	Inspection And Approval Requirements With Permit		
	Section 6.1	Notification	09
	Section 6.2	Inspection	09
	Section 6.3	Approval	10
	Section 6.4	Stop Work Order	10
VII	Other Agency Requirements		
	Section 7.1	Conflicts And Inconsistencies	10
	Section 7.2	Local Ordinances	10
	Section 7.3	Compliance With Other Codes	11
VIII	Appeals		
	Section 8.1	General Provisions	11
IX	Fees		
	Section 9.1	General Provisions	11
X	Severability		
	Section 10.1	General Provisions	12
XI	Amendments		
	Section 11.1	General Provisions	12
XII	Penalties/Injunctions		
	Section 12.1	Violations	12
	Section 12.2	Civil Penalties	12
	Section 12.3	Injunctive Proceedings	12
XIII	Approval And Effective Date		
	Section 13.1	General Provisions	13

**REGULATIONS GOVERNING WATER SUPPLIES
IN
MACOMB COUNTY, MICHIGAN**

PREAMBLE

It is hereby recognized that the supply of safe, potable water is fundamental to individual, public, and community health; that water supply facilities installed and operated in a proper manner are necessary for safeguarding public health; that water supplies furnishing water for human consumption need to be isolated and protected from sewage or other sources of pollution; and that contamination of water resources and supplies, or the creation of conditions menacing the public health, be prevented. These regulations governing water supplies are hereby adopted pursuant to SECTIONS 2435 and 2441 of Act 368 of the Public Acts of 1978, State of Michigan, as amended, being SECTIONS 333.2435 and 333.2441 of the Michigan Compiled Laws.

ARTICLE I – TITLE, PURPOSE, AUTHORITY AND JURISDICTION

SECTION 1.1 – Title

These Regulations shall be identified by the title Regulations Governing Water Supplies in Macomb County, Michigan.

SECTION 1.2 – Purpose

These Regulations are hereby adopted for the purposes of protecting public health and the quality of water resources and supplies, and to prevent the occurrence of public health hazards resulting from improper design, installation, location, operation and abandonment of water supply systems.

SECTION 1.3 – Authority

These Regulations are hereby adopted pursuant to authority conferred upon local health departments by SECTION 2441 (1) of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

SECTION 1.4 – Jurisdiction

These Regulations shall apply to all premises in Macomb County. Installation of wells, water mains, and service lines, which are part of Type I public water supplies, as defined by Michigan's Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, as amended are excluded.

The responsibility for administration and enforcement of these Regulations shall reside with the Health Officer of the Macomb County Health Department.

These Regulations, including all amendments hereafter adopted, shall be in full force and effect throughout all areas of Macomb County, incorporated and unincorporated.

ARTICLE II – DEFINITIONS

SECTION 2.1 – GENERAL PROVISIONS

When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, and words in the plural number include the singular number. The word “shall” is always mandatory, and not merely directory. Words and terms not defined herein shall be interpreted in the manner of their common usage.

SECTION 2.2 – DEFINITIONS

APPROVED/APPROVAL

“Approved or approval” for purposes of these Regulations, denotes that a condition, facility, thing, premise, action or use, is in satisfactory conformance with the intent, purpose and applicable standards of these Regulations.

HABITABLE BUILDING

“Habitable building” means a building, facility, or structure or part thereof where persons reside, live, sleep, cook, or are employed which has a water supply or is subject to an application for a permit for a water supply.

DEPARTMENT

“Department” means the Macomb County Health Department.

OWNER

“Owner” means any person, agency, firm, corporation or entity having a legal or equitable interest in the property.

HEALTH OFFICER

“Health Officer” means the Administrative Officer who is in charge of the Macomb County Health Department or other employees of the Department designated or authorized by the Health Officer to perform services or functions pursuant to the provisions of these Regulations.

PERMIT

“Permit” means a water supply construction permit, unless otherwise noted.

PERSON

“Person” means an individual, partnership, copartnership, company, firm, cooperative, public or private association or corporation, political subdivision, unit or agency of a local, State, or federal government, trust, estate, or any other legal entity, or their legal representative, agent, or assigns.

PREMISE

“Premise” means a tract of land with or without a habitable building.

PUBLIC WATER SUPPLY

“Public Water Supply” means a water supply which provides water for drinking or household purposes to persons other than the supplier of water, as defined in Michigan Compiled Law 325.1002, a copy of which may be obtained at the Macomb County Health Department.

REGISTERED WELL DRILLING CONTRACTOR

“Registered well drilling contractor” means a person holding a valid certificate of registration as a well drilling contractor, as provided in SECTIONS 12703 to 12715 of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

SAFE AND ADEQUATE WATER SUPPLY

“Safe and adequate water supply” means a water supply which is constructed and located in such a manner as to provide water to meet the water demands of a habitable building which will not endanger the health of the user and which provides sufficient water pressure.

WATER SUPPLY

“Water supply” means a system of pipes and structures through which water is obtained, including but not limited to: the source of the water such as wells, surface water intakes, or hauled water storage tanks; and pumping and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

WELL

“Well” means an opening in the surface of the earth for the purpose of obtaining ground water, monitoring the quality or quantity of ground water, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations, or removing ground water for any purpose. Wells as defined in this section include, but are not limited to:

- a. A water supply well used to obtain water for drinking or domestic purposes.
- b. An irrigation well used to provide water for plants, livestock, or other agricultural processes.
- c. A test well used to obtain information on ground water quantity, quality, or aquifer characteristics, for the purpose of designing or operating a water supply well.
- d. A recharge well used to discharge water into an aquifer.
- e. A dewatering well used to lower the ground water level temporarily at a construction site.
- f. A heat exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning.
- g. An industrial well used to supply water for industrial processes, fire protection, or similar nonpotable uses.
- h. A fresh water well at an oil or gas well drilling site, when the fresh water well is to be retained after completion of the oil or gas drilling operation.

ARTICLE III – POWERS AND DUTIES OF THE HEALTH OFFICER

SECTION 3.1 – REGULATE

The Health Officer shall have the authority to regulate the design, installation, operation, and maintenance of all water supplies under the jurisdiction of Macomb County. The Health Officer shall be empowered to establish criteria, policies and standards concerning the application and interpretation of these regulations and for the purpose of carrying out the responsibilities delegated to the Health Officer by law.

ARTICLE IV – GENERAL PROVISIONS

SECTION 4.1 – INCORPORATION OF OTHER REGULATIONS

The Macomb County Health Department incorporates by reference, and adopts as part of these Regulations, the following;

- a. The “Safe Drinking Water Act”, Act No 399 of the Public Acts of 1976, being SECTIONS 325.1001 through 325.1023 of the Michigan Compiled Laws, and the following sections of Administrative Rules promulgated pursuant to that Act: Part 1, being R 325.10101 to R 325.10115; Part 4, being R 325.10401 to R 325.10409; Parts 7 and 8, being R 325.10701 to R 325.10833; and Parts 10 through 14, being R 325.11001 to R 325.11407 of the Michigan Administrative Code, and any subsequent revisions thereto, and
- b. Part 127 of Act No. 368 of the Public Acts of 1978, of Michigan’s Public Health Code, being SECTIONS 333.12701 through 333.12715 of the Michigan Compiled Laws, and the administrative rules promulgated pursuant to that Act, being R 325.1601 through R 325.1676 of the Michigan Administrative Code, and any subsequent revisions thereto.
- c. Copies of these incorporated Regulations are available at the Macomb County Health Department.

SECTION 4.2 – UNLAWFUL TO OCCUPY

No person shall occupy, permit to be occupied or offer for rent, lease, or occupancy, any habitable building which is not provided with an approved water supply, adequate in design and capacity to meet the water demands of the habitable building. Any habitable building which is not served with a safe and adequate water supply may be declared unfit for habitation and may be so posted by the Health Officer. The Health Officer may order the owner to connect the habitable building to a municipal water supply, if available, or to construct a water supply in compliance with these Regulations within 30 days.

SECTION 4.3 – EXISTING ACTIVE WATER SUPPLIES

A water supply in existence prior to the effective date of these Regulations, which is in compliance with State law in effect at the time of system construction, may be continued and maintained in service as long as satisfactory performance continues, the system is not altered to include extensive repairs, the water remains potable, the system is not subject to contamination due to improper isolation from contamination sources, improper construction, or otherwise determined to be a potential health hazard.

SECTION 4.4 – INACTIVE WATER SUPPLIES

A water supply, excluding an irrigation well, which has not been in use for more than one year shall not be put back into operation unless it can be shown to be in substantial compliance with these Regulations through an inspection as set forth in SECTION 6.2. An irrigation well is a well used to provide water for plants, livestock, or other agricultural processes.

SECTION 4.5 – CHANGE IN USE

A change in use of a premise which may result in a significant increase in the demand on the water supply shall be subject to an inspection as set forth in SECTION 6.2 to determine compliance.

SECTION 4.6 – PRIORITY OVER BUILDING PERMITS

A permit for a water supply system must be obtained prior to any officer or employee of any city, village, or township within Macomb County issuing a construction permit for any new building or structure which is to be served by a water supply system pursuant to these Regulations. In the case of an existing building or structure, a city, village, or township official shall notify the Department prior to issuance of a construction permit to ensure that any proposed construction will not adversely affect an existing water supply system. This SECTION shall not apply to areas where an approved municipal water supply is available.

ARTICLE V – WATER SUPPLY PERMITS

SECTION 5.1 – WATER SUPPLY CONSTRUCTION PERMITS

No person shall begin construction of a new water supply, or make extensive changes to existing water supplies, without first obtaining a water supply construction permit from the Macomb County Health Department. Extensive changes include, but are not limited to: replacing the well casing, removing a well casing from the ground, changing aquifers or sources of water, changing screen elevation, deepening or plugging back a bedrock well, changing the type of pump, installing a liner pipe, or a significant increase in the capacity of the water supply.

A permit is not required when minor repairs to the system occur, such as, replacing a telescoped well screen, replacing a pump, pump controls, pump drop pipe, pressure tank, chemical treatment or disinfection of the well.

SECTION 5.2 – APPLICATION FORM

The Water Supply Construction Permit application and/or inspection request shall be made on forms provided by the Health Officer.

SECTION 5.3 – PROJECT PERMIT

Where three (3) or more wells for the purpose of tests to obtain information on groundwater quantity, quality, or aquifer characteristics for the purposes of designing or operating a water supply are proposed to be constructed for the same project, a single project permit may be issued.

SECTION 5.4 – COMPLETED APPLICATION

A completed application shall include:

- a. The signature of the applicant.
- b. The appropriate application fee.
- c. A site plan of the proposed or existing water supply showing the location of the proposed source of water (well, hauled water storage tank, etc) in relation to the buildings, property lines, all known, suspected, or potential contamination sources, and all wells whether usable or abandoned, and data which may be required by the Health Officer. For water supplies utilizing other than a well as the source of water, a scaled engineering drawing may be required.
- d. The location of property lines, legal description, easements, deed and plat restrictions, and all information necessary to determine the suitability of the premises for issuance of a permit.

SECTION 5.5 – LATE APPLICATION PENALTY

If a person fails to obtain a permit prior to beginning construction of a water supply, a penalty fee equal to the regular application fee shall be assessed. Within five (5) working days of being notified of the permit violation, the person shall submit a water supply construction permit application, accompanied by the regular application fee and the penalty fee, to the Health Officer. Payment of the late application penalty fee shall not exempt said person from any further penalties prescribed for violation of these Regulations.

The Health Officer may waive the late application penalty when, upon consideration of relevant facts and circumstances, said late application fee constitutes an undue hardship on the applicant.

SECTION 5.6 – ISSUANCE

The Health Officer shall issue a water supply construction permit when the data obtained indicates that the requirements of these Regulations and/or applicable State statutes have been met. The permit may impose limitations or conditions which the Health Officer deems necessary to protect the public health or ground water quality.

SECTION 5.7 – DENIAL

The Health Officer may deny an application for a water supply construction permit when incomplete, inaccurate, or false information has been supplied by the applicant, or when the Health Officer determines that the requirements of these Regulations and/or applicable State statutes have not been met. The denial shall be furnished to the applicant in writing.

SECTION 5.8 – EXPIRATION

A water supply construction permit expires and becomes invalid two years from the date of issuance.

SECTION 5.9 – TRANSFER OF PERMITS

Valid permits are transferable from one permit holder to another when no change to the design, location or use of the water supply system has been made, or is proposed.

SECTION 5.10 – VOIDANCE OF PERMITS

The Health Officer may declare a previously issued water supply construction permit to be null and void for any of the following reasons:

- a. False, inaccurate, or incomplete information supplied by the permit applicant, permit holder, or their representative.
- b. A change in the plans of the permit holder affecting the water supply design, location, or use.
- c. Current facts, data or conditions which affect the previously issued permit in a manner that now prevents compliance with these Regulations or may endanger public health, or degrade groundwater quality.
- d. Any permit expired pursuant to SECTION 5.8 of these regulations.
- e. Isolation distances required by these Regulations cannot be satisfied.

SECTION 5.11 – PLUGGING OF WELLS

Water Supplies which have been constructed, after the adoption of these Regulations, without a permit as required by these Regulations shall be inspected by the Health Officer to determine compliance with these Regulations. After such an inspection, the Health Officer will require remedial action be taken with regard to Water Supplies which are not in compliance with these Regulations, including but not limited to, the plugging of the well.

SECTION 5.12 – EMERGENCY CONDITIONS

In the event an emergency arises where the lack of water at a habitable building will result in undue hardship and the office(s) of the Macomb County Health Department is/are closed, or when a registered well drilling contractor, or other person as authorized in MCL 333.12703(2)(3) or MCL 333.12704, is involved with repair work and it is deemed necessary to begin construction immediately on a replacement well, a registered well drilling contractor, or other person as authorized above, may begin extensive changes to; or construction of a replacement water supply without notification or permit. The registered well drilling contractor, or other person as authorized above, shall contact the Health Officer on the next regular working day and obtain a permit for such installation. The late application penalty specified in SECTION 5.5 of these Regulations is waived in these cases. Performing work pursuant to this SECTION does not automatically entitle a person to a permit.

ARTICLE VI – INSPECTION AND APPROVAL REQUIREMENTS WITH PERMIT

SECTION 6.1 – NOTIFICATION

The Health Officer shall be notified by the permit holder or well driller as follows:

- a. At least one (1) working day in advance of the time construction of the water supply is to begin and,
- b. Within one (1) working day following completion of the water supply construction and/or pumping equipment installation.

SECTION 6.2 – INSPECTION

The Health Officer shall make inspections of water supplies as necessary including, but not limited to:

- a. During and/or after construction,
- b. Prior to reactivation of inactive water supplies as set forth in SECTION 4.4,
- c. Prior to change in use of a premise as set forth in SECTION 4.5.

SECTION 6.3 – APPROVAL

A new water supply shall not be used until the construction and installation have been approved by the Health Officer. The following conditions shall be met before the Health Officer shall approve a new water supply:

- a. An onsite inspection has been completed by the Health Officer and the water supply is found to be in compliance with applicable provisions of these Regulations and permit requirements.
- b. A completed “Water Well And Pump Record” has been submitted to the Health Officer.
- c. The Health Officer has received copies of the results of the analysis of water samples indicating that raw water quality meets minimum public health standards. Water sample analysis, performed by the Macomb County Health Department or secured by the applicant, shall include coliform bacteria and any other parameter deemed necessary by the Health Officer. Analysis of water samples shall be performed by laboratories certified by the Michigan Department of Public Health.

This SECTION does not prohibit the use of the water supply for incidental, non-consumptive use prior to approval.

SECTION 6.4 – STOP WORK ORDER

If the Health Officer determines that a water supply under construction does not comply with the requirements of this code, the Health Officer may issue a written stop work order. Work shall not resume until the owner and/or contractor has/have agreed to make corrections to comply with these Regulations, and the Health Officer rescinds the stop work order.

ARTICLE VII – OTHER AGENCY REQUIREMENTS

SECTION 7.1 – CONFLICTS AND INCONSISTENCIES

Where conflicts or inconsistencies exist between the provisions of these Regulations and any statutes, regulations, requirements, rules, standards, criteria or guidelines of the federal government or the State of Michigan, the more restrictive requirements shall govern and prevail.

SECTION 7.2 – LOCAL ORDINANCES

These Regulations shall supersede inconsistent or conflicting local ordinances, pursuant to Michigan’s Public Health Code, SECTION 2441 of Act 368, P.A. 1978, as amended.

SECTION 7.3 – COMPLIANCE WITH OTHER CODES

The issuance of permits or the acceptance or approval of plans and proposals involving site improvements or alterations associated with the construction, repair, replacement, or relocation of a water supply system pursuant to these Regulations does not relieve persons receiving such permits, acceptance or approvals from complying with all consistent applicable provisions of building and construction codes; zoning, planning, and flood management requirements, other State and local laws, ordinances, rules, regulations, and orders; or from securing permits and approvals required thereunder.

ARTICLE VIII – APPEALS

SECTION 8.1 – GENERAL PROVISIONS

Any person taking exception to, or aggrieved by, a decision, ruling, requirement, violation notice, denial, disapproval or order issued by the Health Officer under these Regulations, after an opportunity for an Administrative Conference with the Health Officer, has the right to a contested case hearing in the matter. Such contested case hearings shall be conducted in accordance with written policies and procedures adopted by the department and applicable provisions of the Administrative Procedures Act of 1969. Any person taking exception to or aggrieved by any administrative action shall have the right to seek judicial review.

ARTICLE IX – FEES

SECTION 9.1 – GENERAL PROVISIONS

Fees for applications, permits, plan reviews and other services required or authorized by these Regulations shall be assessed according to the current fee schedule established by the Macomb County Board of Commissioners.

Assessed fees shall be paid in advance of the requested, required or authorized service performed under these Regulations.

Fees paid are nonrefundable unless requests for refunds are received by the Health Officer prior to the performance of the requested, required or authorized service.

ARTICLE X – SEVERABILITY

SECTION 10.1 – GENERAL PROVISIONS

These Regulations and the various articles, sections and clauses therein are hereby declared to be severable. If any article, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of these Regulations shall not be affected thereby.

ARTICLE XI – AMENDMENTS

SECTION 11.1 – GENERAL PROVISIONS

The Health Officer may adopt amendments and revisions to these Regulations with the consent and approval of the Macomb County Board of Commissioners, pursuant to SECTIONS 2441 and 2442 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended.

ARTICLE XII – PENALTIES/INJUNCTIONS

SECTION 12.1 – VIOLATIONS

Any violation of these Regulations, or any part thereof, constitutes a misdemeanor as adjudicated by a court of competent jurisdiction, punishable by imprisonment for not more than ninety days, or a fine of not more than \$200.00 or both pursuant to SECTION 2441(2) of the Michigan Public Health Code, Act 368, P.A. 1978 as amended. Each day that a violation of these Regulations continues may be deemed a separate offense by a court of competent jurisdiction.

SECTION 12.2 – CIVIL PENALTIES

The Macomb County Board of Commissioners may adopt a schedule of monetary civil penalties to be assessed for violations of these Regulations, or order(s) issued pursuant thereto as provided in SECTIONS 2461 and 2462 of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

SECTION 12.3 – INJUNCTIVE PROCEEDINGS

When any person has been found to have violated a provision of these Regulations or an order issued pursuant thereto, the Health Officer may seek injunctive relief from a court of competent jurisdiction to restrain, enjoin, prevent or correct a violation of these Regulations, or a condition which adversely affects the public health, as provided in SECTION 2465 of the Michigan Public Health Code, Act 368, P.A. 1978, as amended.

ARTICLE XIII – APPROVAL AND EFFECTIVE DATE

SECTION 13.1 – GENERAL PROVISIONS

These Regulations have been adopted by the Macomb County Health Department and approved by the Macomb County Board of Commissioners on December 21, 1995 and shall be effective on and after February 5, 1996.